

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 SS-15 SP-02 NSC-05

CIAE-00 INR-07 NSAE-00 /045 W
----- 059215

R 151224Z JUL 75

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 1214

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E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: HOLDER-KERKOW EXTRADITION

REF: STATE L50917 AND 148302

1. EMBASSY PRESENTED DEPARTMENT'S NOTE, WITH AGREED REVISIONS, TO NOEL MUSEUX, ACTING LEGAL ADVISER, ON JULY 7 AND TO XAVIER JEANNOT, ACTING DIRECTOR OF CONSULAR AND TREATY AFFAIRS, ON JULY 11. (JEANNOT HAD BEEN TIED UP ON NEGOTIATIONS FOR A CONSULAR CONVENTION WITH EAST GERMANY). WE MENTIONED TO BOTH MEN OUR DESIRE TO HOLD EXPERT DISCUSSIONS WITH GOF ON EXTRADITION PROBLEMS, INCLUDING THOSE RAISED IN OUR NOTE. BOTH EXPRESSED WILLINGNESS TO DO SO, BUT WERE LESS THAN ENCOURAGING ABOUT POSSIBILITY OF SCHEDULING THEM BEFORE END OF SUMMER.

2. MUSEUX, WHO IS LEADING LEGAL EXPERT IN FOREIGN MINISTRY ON EXTRADITION AND TERRORISM/HIJACKING, HAS LEFT ON VACATION AND IS GOING IMMEDIATELY AFTERWARDS IN LATE JULY, TO NEW YORK FOR FOUR WEEKS IN CONNECTION WITH PROPOSED REVISION OF UN CHARTER. CLAUDE CHAYET, DIRECTOR OF CONSULAR AND TREATY AFFAIRS, WHOSE OFFICE HANDLES EXTRADITION NEGOTIATIONS AND PROCEDURAL MATTERS, WILL BE BACK FROM VACATION IN AUGUST, BUT JEANNOT SAYS TECHNICAL LEVEL PEOPLE WILL

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NOT BE ON HAND IN AUGUST, AND WITHOUT THEM AND

MUSEUX HE THINKS DISCUSSIONS WOULD NOT BE PRODUCTIVE.

3. PRESUMABLY, JUSTICE MINISTRY OFFICIALS (BACRO OR FROMONT OF EXTRADITION OFFICE AT TECHNICAL LEVEL AND POSSIBLY LE GUNEHEC, DIRECTOR OF CRIMINAL AFFAIRS, AT HIGHER LEVEL) WILL ALSO BE INVOLVED. EMBASSY HAS NOT ASKED ABOUT THEIR AVAILABILITY IN BELIEF THAT ABSENCE OF FOREIGN OFFICE OFFICIALS IS ENOUGH TO COUNSEL AGAINST TRYING TO HOLD DISCUSSIONS DURING SUMMER.

4. EMBASSY RECOMMENDS WE TRY TO SCHEDULE TALKS IN SEPTEMBER AND REQUESTS DEPARTMENT'S VIEWS. IT MIGHT BE POSSIBLE FOR SOMEONE FROM THE DEPARTMENT TO HAVE A PRELIMINARY TALK WITH MUSEUX IN NEW YORK IF HE IS NOT TOO BUSY. PRESUMABLY HE CAN BE REACHED THROUGH FRENCH MISSION TO UN.

5. RE LAST PARAGRAPH STATE'S L50917, WE ASKED MUSEUX IF HE COULD SUPPLY US WITH CITATIONS OF CASES HOLDING THAT MERE POLITICAL MOTIVE IS ENOUGH TO QUALIFY A COMMON CRIME AS A POLITICAL ONE. HE SAID HE THOUGHT THERE WERE SOME (HE WAS PUZZLED BY THE GRENOBLE CASE CITED BY DEPARTMENT), AND HE SEEMED TO RECALL ONE INVOLVING A BANK ROBBERY IN PORTUGAL BY PORTUGUESE WHO FLED TO FRANCE. HE SAID HE DOUBTED HE WOULD HAVE TIME TO LOOK THEM UP BEFORE GOING ON VACATION, AND EVIDENTLY HE DID NOT. WE IN EMBASSY DO NOT HAVE RESOURCES OR EXPERTISE TO DO THIS KIND OF RESEARCH. IF DEPARTMENT WILL PROVIDE FUNDING, WE WILL TRY TO FIND PRIVATE LEGAL COUNSEL TO DO IT. OTHERWISE, WE WILL ASK MUSEUX AGAIN WHEN HE GETS BACK FROM NEW YORK.
RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, DIPLOMATIC NOTES
Control Number: n/a
Copy: SINGLE
Draft Date: 15 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975PARIS18138
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750244-0158
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750755/aaaabxep.tel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 150917, 75 STATE 148302
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 14 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 MAY 2003 by ShawDG>; APPROVED <15 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HOLDER-KERKOW EXTRADITION
TAGS: CPRS, PFOR, FR, US, (HOLDER, WILLIE ROGER), (KERKOW, CATHERINE MARIE)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006